

Senate Bill No. 1360

CHAPTER 395

An act to add Section 14107.12 to the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 9, 2004. Filed
with Secretary of State September 9, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1360, Brulte. Rewards for information: health services: Medi-Cal.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons.

This bill would authorize the Department of Justice to pay a reward for information leading to the recovery of not less than \$100 in funds paid for services or goods rendered under the Medi-Cal program due to an act or omission by an individual or entity from which recovery is sought and that is the basis of a conviction of a Medi-Cal provider of services or goods in violation of certain criminal statutes within the jurisdiction of the Bureau of Medi-Cal Fraud and Elder Abuse.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program and other social services programs under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households. Under existing law, certain counties may elect to participate in the County Medical Services Program for the state administration of health care services to eligible persons in the county.

This bill, subject to necessary federal approval, would provide for an income disregard for reward payments made pursuant to the bill for purposes of determining eligibility for any Medi-Cal program, the CalWORKs program, the Food Stamp Program, the County Medical Services Program, and any other means-tested public benefit program for which California has authority to establish the rules for determining eligibility.

The people of the State of California do enact as follows:

SECTION 1. Section 14107.12 is added to the Welfare and Institutions Code, to read:

14107.12. (a) The Department of Justice may pay, pursuant to subdivision (d), from funds recovered by the Department of Justice, and only to the extent that the money may be used for this purpose, a reward to any person who furnishes information leading to the recovery of not less than one hundred dollars (\$100) of public funds paid for services or goods rendered under the Medi-Cal program due to an act or omission by a individual or entity from which recovery is sought and that is the basis of a conviction of a Medi-Cal provider of services or goods in violation of any statutory criminal prohibition within the jurisdiction of the Bureau of Medi-Cal Fraud and Elder Abuse pursuant to Section 12528 of the Government Code.

(b) No reward shall be paid for information under this section unless the information relates to the specific activities of a specific individual or entity, and specifies the time period during which the prohibited activities occurred.

(c) No reward shall be paid under this section to a federal, state, or local public employee or any individual contracting with a state or local agency for information discovered by the employee during the course of his or her duties as a federal, state, or local agency employee or pursuant to a contract with that agency.

(d) The amount of a reward under this section shall be determined by the Department of Justice, and shall not exceed 10 percent of the restitution recovered or one thousand dollars (\$1,000), whichever is less. No reward shall be paid until all recoverable funds have been collected from the individual or entity convicted of a violation of statutory prohibitions listed in subdivision (a).

(e) A determination by the Department of Justice of the eligibility of an individual to receive a reward, the amount and appropriateness of a reward under this section, and the timing of the payment of the reward shall be deemed to be final and shall not be subject to administrative appeal or judicial review.

(f) Subject to subdivision (g), payments made under authority of this section shall be disregarded for purposes of determining eligibility for any Medi-Cal program, for the CalWORKs program, for the Food Stamp Program, for the County Medical Services Program, and for any other means-tested public benefit program for which California has authority to establish the rules for determining eligibility.

(g) The income disregard described in subdivision (f) shall not be effective, with respect to an identified program, until the first day of the

third month from the month in which any necessary federal approval is obtained. The income disregard provided for in subdivision (f) shall only be implemented to the extent that federal financial participation is obtained.

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